IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 8760 of 2007(P)

PETITIONER:

JANCY JAMES, W/O.JAMES,
AGED 41 YEARS, HEADMISTRESS, PRATHIBHA ENGLISH MEDIUM JUNIOR SCHOOL, VADATTUPARA, KOTHAMANGALAM, ERNAKULAM DISTRICT.

BY ADV. SRI.ALEXANDER JOSEPH

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE DIRECTOR OF PUBLIC INSTRUCTION, THIRUVANANTHAPURAM.**

3. **THE DEPUTY DIRECTOR OF EDUCATION, ERNAKULAM.**

BY G.P.SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER,J

W.P.C.No.8760 OF 2007

Dated this the 16th day of March, 2007

JUDGMENT

Petitioner is the Principal of an unrecognised and unaided school. Grievance of the petitioner is that the students who have completed the course of study in the school in standards I to VI are now forced to writ examination in other Government or recognised schools under the syllabus now in force in such schools. It is pointed out that the order issued by the Government in this regard will cause undue hardship and loss to these young students. Petitioner may not be able to issue transfer certificates to those students to enable them to join other recognised institutions, if the order of the Government is enforced. It is pointed out that this court in W.P.(C)No.33341/06 and connected cases had considered the plight of similarly placed unrecognised institutions in its judgment dated March 6, 2007. The learned Advocate General who appeared on behalf of the Government had informed the court that the Government is prepared to give concession in the matter of enforcement of the above order for the current academic year provided these institutions undertook to abide by the statutory mandates contained in Chapter VI of KER during the ensuing academic year. The learned Judge had

recorded the above submission made by the learned Advocate General and the writ petitions were disposed of with the direction to the officer of the department concerned to give sanction to such institutions to conduct the examination in their schools and to issue transfer certificates to those students.

2. Learned counsel invites my attention to the affidavit filed by the petitioner in terms of the directions contained in the judgment referred to above. It has been categorically averred that petitioner's institution will abide by the statutory mandates contained in Chapter VI of KER with particular reference to Rule 7 and 8 of the above chapter from the academic year 2007-08 onwards.

In view of the unequivocal undertaking in the affidavit placed before this court, I am satisfied that petitioner can be allowed to conduct the examination for the students in standards I to VI for the current academic year and to issue transfer certificates to them. The Deputy Director of Education, Thiruvananthapuram shall issue appropriate orders in this regard forthwith.

A.K.BASHEER.
JUDGE

sv.